

## REMARKS

### Summary of the Claims

With the final Office Action mailed December 19, 2008, claims 1 and 3-16 were pending in the application. Claims 1 and 3-9 have been withdrawn from consideration, and claims 10-16 have been rejected.

With the present amendments, claims 10-16 are amended, and claims 17-29 are newly added. No new matter has been added by any of these amendments. Claims 1 and 3-9 have been canceled without prejudice. After entry of the above amendments, claims 10-29 will be pending in the application.

In addition, it is respectfully submitted for the Examiner's information that a divisional application was filed on March 19, 2009, to pursue protection for the subject matter of canceled claims 1, 3-6, 8 and 9.

### Rejections Under 35 U.S.C. § 112

Claims 10-16 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. The Examiner states in the final Action that regarding claim 10, "the sealed-cutting apparatus is configured to be coupled to a package" is confusing. The Examiner also states that there are more than two packages in the claim and they are not different from each other. The Examiner additionally mentions that the claims are directed to "a seal-cutting apparatus" not a combination of a seal-cutting apparatus and a package or a box. The Examiner continues to state that "a blister package" in claims 12-15 is confusing because it is not clear whether the blister package in claims 12-15 is the same blister package set forth in claim 11.

In response to the above rejections, claims 10-16 are amended. Claim 10 in its current form no longer includes the word "package". Claim 10 now

clearly recites that the seal-cutting apparatus is held in a container. Furthermore, claims 10-16 are now directed to a combination of a container and a seal-cutting apparatus.

Regarding claims 12-16, "a blister package" has been changed to "the blister package". It is now clear that the blister package in claims 12-15 is the same blister package as that set forth in claim 11.

For the above reasons, withdrawal of the rejections under 35 U.S.C. § 112 is respectfully requested.

#### **Rejection Under 35 U.S.C. § 102**

Claims 10-16 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Ikeda (US 5,127,161). In view of this rejection, claim 10 is amended.

Claim 10 as amended recites that the seal-cutting apparatus is held in the container at an opening defined in the container.

Ikeda shows a cutting apparatus having a channel 12 and a cutting blade 19 located in the channel. However, Ikeda's apparatus is not associated with a container. In fact, Ikeda does not disclose any container for holding the cutting apparatus nor does it even remotely suggest defining an opening in a container or holding the cutting apparatus at such an opening. For these reasons, Ikeda fails to anticipate claim 10, and therefore claim 10 is allowable

Claim 11 to 16 depend from allowable claim 10. For at least that reason, Claims 11 to 16 are also allowable.

Withdrawal of the rejection under 35 U.S.C. § 102(b) is respectfully requested.

**Rejections Under 35 U.S.C. § 103**

Claims 1-7, as best understood by the Examiner, have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ikeda in view of Jacquemin (U.S. 1,452,341). Claims 11-16 also appears to have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ikeda (page 5 of the final Action.) However, claims 1-7 have been canceled while claims 11-16 depend from allowable claim 10. For at least that reason, claims 11 to 16 should also be found allowable.

Withdrawal of the rejections under 35 U.S.C. § 103 is respectfully requested.

**New Claims**

All new claims 17-29 are directed to the invention that was elected in response to the restriction/election requirement of August 15, 2008. In fact, all new claims 17-29 depend, directly or indirectly, from claim 10. For this reason, entry and consideration of the new claims are hereby requested.

As discussed above, new claims 17-29 depend from allowable claim 10. For at least that reason, they are allowable over Ikeda and Jacquemin.

**Conclusion**

Applicant believes that the amendments to the claims included in this submission should place the present application in condition for allowance. It is earnestly requested that the amendments be entered and the application be favorably reconsidered.

If any fees are due in connection with the filing of this response, please charge the fees to Deposit Account No. 132500. If a fee is required for and extension of time under 37 CFR § 1.136 that is not accounted for above, such an extension is requested and the fee should also be charged to the above Deposit Account.

Respectfully submitted,

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